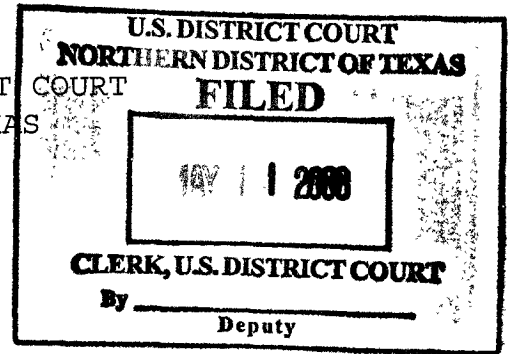


IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



DAVID GLEN HARRIS, §  
§  
Petitioner, §  
§  
VS. §  
§  
DOUGLAS DRETKE, DIRECTOR, TEXAS §  
DEPARTMENT OF CRIMINAL JUSTICE, §  
CORRECTIONAL INSTITUTIONS §  
DIVISION, §  
§  
Respondent. §

NO. 4:06-CV-280-A

O R D E R

Came on for consideration the above-captioned action wherein David Glen Harris is petitioner ("Harris") and Douglas Dretke, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On April 25, 2006, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by May 25. On May 8, Harris filed his written objections. In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S.

667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

The magistrate judge recommended the petition be dismissed as successive pursuant to 28 U.S.C. § 2244(b)(1). Harris objects to that result because he was not informed prior to filing his first petition that he had to file "one 'all-inclusive' petition or thereafter seek permission from the United States Court of Appeals." Pet'r Objections at 2. There is nothing in the law that requires Harris to receive notice of any provision of applicable law prior to filing his first petition for writ of habeas corpus. Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition be, and is hereby, dismissed as successive.

SIGNED May 11, 2006.



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JOHN MCBRYDE  
United States District Judge